

STATE PERSONNEL BOARD CALENDAR



APRIL 6, 2004

LOS ANGELES, CALIFORNIA

State of California

Memorandum

DATE: March 26, 2004

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD -- Appeals Division

SUBJECT: Notice and Agenda for the April 6, 2004, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on April 6, 2004, at the Westin Los Angeles Airport Hotel, located at 5400 West Century Blvd., Room 329, Los Angeles, California, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the April 6, 2004, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, CA 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Notice and Agenda
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Should you have any questions regarding this Notice and Agenda,
please contact staff in the Secretariat's Office at the address
or telephone numbers above.

TAMARA LACEY
Secretariat's Office

Attachment

CALIFORNIA STATE PERSONNEL BOARD MEETING*
The Westin Hotel
Los Angeles Airport
5400 West Century Blvd.
Los Angeles, California 90045

Public Session Location - Room 329

Closed Session Location - Room 329

FULL BOARD MEETING AGENDA**

April 6, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 10:00 - 10:30 1. ROLL CALL
2. REPORT OF THE EXECUTIVE OFFICER
- Report of Laura Aguilera
Interim Executive Officer
State Personnel Board
3. REPORT OF THE CHIEF COUNSEL
4. NEW BUSINESS
(Items may be raised by Board Members for
scheduling and discussion at future meet-
ings.)
5. REPORT ON LEGISLATION

* Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

** The Agenda for the Board can be obtained at the following Internet address: <http://www.spb.ca.gov/calendar.htm>

- 10:30 - 11:00 6. ORAL ARGUMENT
Oral Argument in the matter of **RICHARD
ERNANDEZ, CASE NO. 01-4251A.** Appeal from
five-percent salary reduction for six months.
Department of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 11:00 - 11:15 7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,
AND OTHER APPEALS
Deliberations to consider matter submitted at
prior hearing. [Government Code Sections
11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 11:15 - 11:45 8. ORAL ARGUMENT
Oral Argument in the matter of **NEIL MADDEN,
CASE NO. 03-1682A.** Appeal from five-percent
salary reduction for three months. Department
of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 11:45 - 12:00 9. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,
AND OTHER APPEALS
Deliberations to consider matter submitted at
prior hearing. [Government Code Sections
11126(d), 18653.]

12:00 - 1:00 LUNCH

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 1:00 - 1:30 10. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,
AND OTHER APPEALS Deliberations to consider
matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 1:30 - 2:00 11. ORAL ARGUMENT
Oral Argument in the matter of **ELANGOVAN SITTRAMBARAM, CASE NO. 03-2401A**. Appeal from six-months suspension. California State University.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 2:00 - 2:15 12. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 2:15 - 2:45 13. ORAL ARGUMENT
Oral Argument in the matter of **ALICE VAN THU, CASE NO. 03-0413A**. Appeal from automatic resignation. California State University.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 2:45 - 3:00 14. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 2:30 - 3:00 15. ORAL ARGUMENT
Oral Argument in the matter of **BEVERLY WILSON, CASE NO. 03-1150A**. Appeal from dismissal. California State University.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

3:00 -

16. DELIBERATION ON ADVERSE ACTION, DISCRIMINATION COMPLAINT, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES
Deliberations on matters submitted at prior hearing, on proposed decisions, petitions for rehearing, rejected decisions, remanded decisions, submitted decisions, and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself.
[Government Code Sections 11126 (d), and 18653 (2).]

17. PENDING LITIGATION
Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code Sections 11126 (e) (1), 18653.]

State Personnel Board (SPB) v. Department of
Personnel Administration (DPA)/
International Union of Operating Engineers
(IUOE et al. Sacramento County Superior
Court Case No. 01CS00109

Association of California State Attorneys
and Administrative Law Judges v.
DPA/California Department of Forestry
Employees Association (ASKA) CDF
Firefighters Court of Appeal, Third district
No. C034943
Sacramento County Superior Court No.
99CS03314)

IUOE v. SPB/Public Employee Relations Board
(PERB)
Unfair Practice Case No. SA-CE-1295-S

Connerly v. SPB

18. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the
Legislature. [Government Code Section 18653.]

19. RECOMMENDATIONS TO THE GOVERNOR
Deliberations on recommendations to the
Governor. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

On Adjournment:

20. DISCUSSION OF COMING BOARD MEETING SCHEDULE
OF APRIL 20, 2004, IN SACRAMENTO, CALIFORNIA

BOARD ACTIONS

21. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY
MINUTES OF MARCH 9, 2004 AND
MARCH 23, 2004
22. ACTION ON SUBMITTED ITEMS
(See Agenda Page 23)
These items have been taken under submission
by the State Personnel Board at a prior
meeting and may be before the Board for a
vote at this meeting. This list does not
include evidentiary cases, as those cases
are listed separately by category on this
agenda under Evidentiary Cases.
23. EVIDENTIARY CASES
The Board Administrative Law Judges conducts
Evidentiary hearings in appeals that include,
but are not limited to, adverse actions,
medical terminations, demotions,
discrimination, reasonable accommodations,
and whistleblower complaints.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

DORYANNA ANDERSON-JOHNSON, CASE NO. 00-1687A

Appeal from denial of reasonable accommodation
Correctional Lieutenant
California Rehabilitation Center - Norco
Department of Corrections

TIMOTHY BOBITT, CASE NO. 02-2856

Appeal from suspension
Senior Special Agent in Charge
Department of Justice at Sacramento

RICHARD COELHO, CASE NO. 02-1796R

Appeal from constructive medical termination
Fish and Game Warden
Department of Fish and Game

RANDALL DODSON, Case No. 03-1587

Appeal from non-punitive termination
Caltrans Equipment Operator I
Department of Transportation

FRANK GARCIA, CASE NO. 03-1906

Appeal from Dismissal
Caltrans Highway
Maintenance Worker
Department of Transportation

CYNTHIA GEORGE, CASE NO. 03-2494

Appeal from suspension
Administrative Law Judge I
Unemployment Insurance Appeals Board

THEODORE HUGHING, CASE NO. 03-0354

Appeal from Medical Termination
Food Service Supervisor I
Department of Developmental Services

MAMIE JONES, CASE NO. 02-4441

Appeal from ten-percent reduction
in salary for five months
Dispatcher Clerk
Department of Transportation at Los
Angeles

B. CASES PENDING

- Oral Arguments

These cases are on calendar to be
argued at this meeting or to be
considered by the Board in closed
session based on written arguments
submitted by the parties.

RAYMOND ERNANDEZ, CASE NO. 01-4251A
Appeal from five-percent salary
reduction for six months
Correctional Officer
California Institution for Men -
Chino
Department of Corrections

NEIL MADDEN CASE NO. 03-1682A
Appeal from five-percent salary
reduction for three months
Correctional Officer
Centinela State Prison - Imperial
Department of Corrections

ELANGO VAN SITTRAMBARAM, CASE NO.
03-2401A
Appeal from six-months suspension
Student Administration Technical
Programmer/Analyst
California State University - Long
Beach

ALICE VAN THU, CASE NO. 03-0413A
Appeal from automatic resignation
Administrative Support Coordinator I
California State University -
Monterey Bay

BEVERLY WILSON, 03-1150A
Appeal from dismissal
Administrative Support Assistant II
California State University -
Carson

C. CHIEF COUNSEL RESOLUTIONS

NONE

- Court Remands
These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations
These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions
These are ALJ proposed decisions submitted to the Board for the first time.

DOUG ARCAMONE, CASE NO. 03-2374
Appeal from demotion from the position of Correctional Lieutenant to the position of Correctional Officer California Medical Facility, Vacaville Department of Corrections

THEODORE BALDWIN, CASE NO. 04-0130
Appeal from two consecutive pay periods suspension
Parole Agent I
Parole and Community Services Division
Department of Corrections

NICHOLAS COMAITES, CASE NO. 03-0062
Appeal from official reprimand
Correctional Counselor II
Department of Corrections

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RONALD DODD, CASE NO. 03-3580
Appeal from rejection during
Probation
Construction Supervisor I
Department of General Services

CONNIE JAMES, CASE NO. 03-3136
Appeal from 15-working-days suspension
Accounting Technician
Employment Development Department

OLIMPIA LARA, CASE NO. 03-2583
Appeal from dismissal
Program Technician II
Richard J. Donovan Correctional
Facility - San Diego
Department of Corrections

CARLOS O. LOPEZ, CASE NO. 03-2617
Appeal from formal reprimand
Correctional Officer
California State Prison - Centinela
Department of Corrections

ROY MABRY, CASE NO. 03-1688
Appeal from five-percent reduction
in salary for six months
Correctional Lieutenant
California Institution for Women -
Corona
Department of Corrections

DANIEL R. MEISTER, CASE NOS. 02-1972,
02-3883 and 02-3766E
Appeal from 89-working-days suspension
Criminal Investigator
Department of Toxic Substances Control

Appeal from dismissal
Criminal Investigator
Department of Toxic Substances Control

Appeal from whistleblower retaliation
complaint
Criminal Investigator
Department of Toxic Substances Control

ROBERT MEZA, CASE NO. 03-2457
Appeal from dismissal
Printing Trades Assistant II
Office of State Publishing
Department of General Services

LOUIE MORALES, CASE NO. 03-3740E
Appeal of discrimination
and retaliation
Correctional Sergeant
California Substance Abuse Treatment
Facility - Corcoran
Department of Corrections

ROBERT NAPIER, CASE NO. 03-1676
Appeal from suspension for
30-calendar-days
Correctional Officer
California State Prison - Lancaster
Department of Corrections

KENNETH PHILLIPS, CASE NO. 03-3221
Appeal from official reprimand
Correctional Sergeant
California Substance Abuse
Treatment Facility - Corcoran
Department of Corrections

JUANITA RIVERA, CASE NO. 04-0171
Appeal from official reprimand
Correctional Case Records Analyst
Central California Women's
Facility - Chowchilla
Department of Corrections

VALERIE SALISBURY, CASE NO. 03-0055
Appeal from demotion from the
position of Correctional Case
Records Manager to the position
of Correctional Case Records Analyst
California State Prison - Lancaster
Department of Corrections

MONIQUE S. SIDAROSS, CASE NO. 03-2202
Appeal from suspension for
Sixty-workdays
Transportation Engineer (Civil)
Department of Transportation

ANTOINETTE TUTT, CASE NO. 02-3781
Appeal from demotion from the
position of Correctional
Administrator to the position of
Correctional Counselor II (Specialist)
California State Prison - Blythe
Department of Corrections

LEX VILLINES, CASE NO. 03-3077
Appeal from official reprimand
Stationary Engineer
Sierra Conservation Center - Jamestown
Department of Corrections

PAUL WARD, CASE NO. 03-0322
Appeal from official reprimand
Correctional Administrator
Department of Corrections

RENEE J. WILSON, CASE NO. 03-2892
Appeal from demotion from the position
of Parole Agent I to the position of
Youth Correctional Counselor
Department of the Youth Authority

TRACI ZANCHI, CASE NO. 03-1770E
Appeal of retaliation
Assistant Information Systems Analyst
California Correctional Institution -
Tehachapi
Department of Corrections

- Proposed Decisions Taken Under
Submission At Prior Meeting
These are ALJ proposed decisions
taken under submission at a prior
Board meeting, for lack of majority
vote or other reason.

NONE

- Proposed Decisions After Board
Remand

NONE

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

NONE

- ALJ Proposed Decisions Adopted By The Board

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

REGINALD CRAYTON, CASE NO. 03-1534P
Appeal from 30-days suspension
Correctional Lieutenant
California State Prison - San
Quentin

Department of Corrections
Petition for rehearing filed by
respondent to be granted or denied

DANIEL HARPER, CASE NO. 03-2226
Appeal from rejection during
probation
Cook I (Correctional Facility)
Department of the Youth Authority
Petition for rehearing filed by
appellant to be granted or denied

ELIZABETH HERRERA, CASE NO. 03-2220
Appeal from constructive medical
termination
Administrative Support Coordinator I
San José State University - San José
Petition for rehearing filed by
appellant to be granted or denied

PAULA ROHLAND, CASE NO.03-0687
Appeal from 30 working days
suspension
Correctional Officer
State Prison - Lancaster
Department of Corrections
Petition for rehearing filed by
appellant to be granted or denied

- Whistleblower Notice of Findings
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANDREW CIRNER, CASE NO. 03-2241E
Appeal from denial of request for reasonable accommodation
Senior Psychiatric Technician
Department of Mental Health

ROSIE L. DASHIELL, CASE NO. 03-2279
Appeal from dismissal
Public Safety Dispatcher I
California Highway Patrol

RAYMOND ERNANDEZ, CASE NO. 01-4251
Appeal from five-percent reduction in salary for six months
Correctional Officer
California Institution for Men - Chino
Department of Corrections

KEVIN FRAZIER, CASE NO. 03-0736
Appeal from a one-step reduction in
salary for six months
Correctional Officer
California State Prison, San Quentin
Department of Corrections

SHANNON FROEMING, CASE NO. 03-2871E
Appeal from denial of request for
reasonable accommodation
Employment Program Representative
Employment Development Department

RONALD GALI, CASE NO. 03-0462
Appeal from dismissal
Native American Spiritual Leader
Folsom State Prison - Represa
Department of Corrections

MARY HUTTNER, CASE NO. 02-1690
Appeal from demotion Staff Services
Manager I to the
position of Associate Health Program
Advisor (top step)
Department of Health Services

CONNIE JOHNSON, CASE NO. 03-2620
Appeal from 30-calendar-days suspension
Employment Program Representative
Employment Development Department

PAUL H. KEMP, Case No. 01-2841
Appeal from dismissal
Teacher Assistant - Youth Correctional
Reception Center and Clinic - Sacramento
Department of the Youth Authority

JENNIFER KILL, CASE NO. 02-2164B
Appeal for determination of back salary,
benefits and interest
Supervising Cook
California Correctional Institution -
Tehachapi
Department of Corrections

NEIL MADDEN, CASE NO. 03- 1682
Appeal from five-percent-reduction
in salary for three months
Correctional Officer
Centinela State Prison - Imperial
Department of Corrections at Imperial

DONNA MARTINEZ, CASE NO. 03-2232
Appeal from dismissal
Material & Stores Supervisor I
Central California Women's Facility,
Department of Corrections

RAY MARTINEZ, CASE NO. 03-3344
Appeal from dismissal
Correctional Officer
Substance Abuse Treatment Facility -
Corcoran
Department of Corrections

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299
Appeal from five-percent reduction in
salary for six months
Special Agent
Department of Corrections

MARYLAND PAGE, CASE NO. 03-3703
Appeal from five-percent reduction in
salary for twelve-months
Correctional Officer
Ironwood State Prison - Blythe
Department of Corrections

VIRGINIA PARKER, CASE NO. 03-0325
Appeal from demotion
Correctional Lieutenant
Ironwood State Prison - Blythe
Department of Corrections

NANCY SEARS, CASE NO. 02-2444
Appeal from two-step reduction in
salary for 12 months and transfer/
reassignment
Parole Agent I (Adult Parole)
Department of Corrections - Sacramento

ELANGO VAN SITTRAMBARAM, CASE NO. 03-2401
Appeal from suspension for six-months
Student Administration Technical
Programmer/Analyst
California State University - Long Beach

NANCY VALENTINO, Case No. 03-0699
Appeal from dismissal
Psychiatric Technician
Department of Developmental Services

24. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION
(See Agenda Page 26)

25. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a
managerial staff member of the State
Personnel Board or investigated by
Appeals Division staff. The Board will
be presented recommendations by a Staff
Hearing Officer or Appeals Division staff
for final decision on each appeal.

THOMAS ANDRADE, CASE NO. 03-1527
Classification: Cadet, CHP
California Highway Patrol

JOSE ARANO, CASE NO. 03-2049
Classification: Correctional Officer
Department of Corrections

ANTHONY CASTRO, CASE NO. 03-1914
Classification: Correctional Officer
Department of Corrections

RONALD CONBOY, CASE NO. 03-2046
Classification: Correctional Officer
Department of Corrections

RYAN GIFFEN, CASE NO. 03-3651
Classification: Cadet, CHP
California Highway Patrol

ERIK MALLORY, CASE NO. 03-1565
Classification: Cadet, CHP
California Highway Patrol

SONIA MENDOZA, CASE NO. 03-2031
Classification: Correctional Officer
Department of Corrections

ANTONIO RUBALCABA, CASE NO. 03-1210
Classification: Correctional Officer
Department of Corrections

JOHN SCHAUUF, CASE NO. 03-1215
Classification: Correctional Officer
Department of Corrections

PHILLIP SMITH, CASE NO. 03-1962
Classification: Correctional Officer
Department of Corrections

SHANNON STEWART, CASE NO. 03-0094
Classification: Correctional Officer
Department of Corrections

ANITA WARD, CASE NO. 03-2074
Classification: Correctional Officer
Department of Corrections

JAMES WILLIS, CASE NO. 03-1897
Classification: Correctional Officer
Department of Corrections

B. MEDICAL AND PSYCHOLOGICAL SCREENING
APPEALS - NONE

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

C. EXAMINATION APPEALS - NONE
MINIMUM QUALIFICATIONS

MERIT ISSUE COMPLAINTS - NONE

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

(Minimum Qualification Cases)

DIANE DIVOKY, CASE NO. 02-3674; LAUREL GODDARD, CASE NO. 02-3869; ALAN HUMASON, CASE NO. 02-3506; SUSAN LUCYGA, CASE NO. 02-3829

Classification: Associate Editor of Publications
Department of Education

D. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS - NONE
RULE 211 APPEALS - NONE

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

E. REQUEST TO FILE CHARGES CASES - NONE
PETITIONS FOR REHEARING CASES - NONE

Investigated by Appeals Division staff.
The Board will be presented

recommendations by Appeals Division staff
for final decision on each request.

F. PSYCHOLOGICAL SCREENING CASES

Cases reviewed by Appeals Division staff,
but no hearing was held. It is
anticipated that the Board will act on
these proposals without a hearing.

WILLIAM FORBES, CASE NO. 04-0550
Classification: Correctional Officer
Department of Corrections

EDWARD QUIROZ, CASE NO. 03-3454
Classification: Correctional Officer
Department of Corrections

MARK SEAVER, CASE NO. 03-3759
Classification: Correctional Officer
Department of Corrections

SHERMAN WALTERS, CASE NO. 03-3638
Classification: Correctional Officer
Department of Corrections

KEVIN WORTELL, CASE NO. 04-0242
Classification: Correctional Officer
Department of Corrections

26. NON-HEARING CALENDAR

The following proposals are made to the State
Personnel Board by either the Board staff or
Department of Personnel Administration staff.
It is anticipated that the Board will act on
these proposals without a hearing.

Anyone with concerns or opposition to any of
these proposals should submit a written
notice to the Executive Officer clearly
stating the nature of the concern or opposi-
tion. Such notice should explain how the
issue in dispute is a merit employment matter
within the Board's scope of authority as set

forth in the State Civil Service Act (Government Code Section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

NONE

27. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

28. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the

Classification and Compensation Division of the Department of Personnel Administration, the Personnel Resources and Innovation Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

NONE

B. EXECUTIVE OFFICER DECISIONS REGARDING
REQUESTS TO ESTABLISH NEW CEA POSITIONS

LEGISLATIVE DIRECTOR

The Department of Insurance's request to establish the above position to the CEA category has been disapproved effective February 27, 2004.

29. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

30. PRESENTATION OF EMERGENCY ITEMS AS
NECESSARY

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

**CALIFORNIA STATE PERSONNEL BOARD**

GRAY DAVIS, Governor

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

Cal. 4/6/04

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills in which you may have an interest. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry Hicks'.

Sherry Hicks
Director of Legislation